

## **CHAPTER 15.1-04**

### **COMPACT FOR EDUCATION**

**15.1-04-01. Compact for education.** The compact for education is hereby entered into and enacted into law with all jurisdictions legally joining therein, in the form substantially as follows:

#### COMPACT FOR EDUCATION Article I - Purpose and Policy

- A. It is the purpose of this compact to:
1. Establish and maintain close cooperation and understanding among executive, legislative, professional, educational, and lay leadership on a nationwide basis at the state and local levels.
  2. Provide a forum for the discussion, development, crystallization, and recommendation of public policy alternatives in the field of education.
  3. Provide a clearinghouse for information on matters relating to education problems and how they are being met in different places throughout the nation, so that the executive and legislative branches of state government and of local communities may have ready access to the experience and record of the entire country, and so that both lay and professional groups in the field of education may have additional avenues for the sharing of experience and the interchange of ideas in the formation of public policy in education.
  4. Facilitate the improvement of state and local education systems so that all of them will be able to meet adequate and desirable goals in a society that requires continuous qualitative and quantitative advances in educational opportunities, methods, and facilities.
- B. It is the policy of this compact to encourage and promote local and state initiatives in the development, maintenance, improvement, and administration of education systems and institutions in a manner that will accord with the needs and advantages of diversity among localities and states.
- C. The party states recognize that each of them has an interest in the quality and quantity of education furnished in each of the other states, as well as in the excellence of its own education system and institutions, because of the highly mobile character of individuals within the nation, and because the products and services contributing to the health, welfare, and economic advancement of each state are supplied in significant part by persons educated in other states.

#### Article II - State Defined

As used in this compact, "state" means a state, territory, or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico.

#### Article III - The Commission

- A. The education commission of the states, hereinafter called "the commission", is hereby established. The commission consists of seven members representing each party state. One of the members must be the governor and two must be members of the state legislative assembly selected by its respective houses. The governor shall appoint the remaining four members, all of whom serve at the pleasure of the governor. If the laws of a state prevent legislators from serving on the commission, the governor shall appoint six members, all of whom shall serve at the pleasure of the governor, unless the laws of the state otherwise provide. In addition to any other principles or requirements that a state may establish for the appointment and service of its members on the commission, the guiding principle for the composition of the

membership on the commission from each party state is that the members representing the state must, by virtue of their training, experience, knowledge, or affiliations, be in a position collectively to reflect broadly the interests of the state government, higher education, the state education system, local education, and lay and professional, as well as public and nonpublic educational leadership. Of those appointees, one must be the head of a state agency or institution, designated by the governor, having responsibility for one or more programs of public education. In addition to the members of the commission representing the party states, there may not be more than ten nonvoting commissioners selected by the steering committee for terms of one year. The nonvoting commissioners shall represent leading national organizations of professional educators or individuals concerned with educational administration.

- B. The members of the commission are entitled to one vote each on the commission. No action of the commission is binding unless taken at a meeting at which a majority of the total number of votes on the commission are cast in favor of the action. Action of the commission may be only at a meeting at which a majority of the commissioners are present. The commission shall meet at least once a year. In its bylaws, and subject to any directions and limitations contained in the bylaws, the commission may delegate the exercise of its powers to the steering committee or the executive director, except for the power to approve budgets or requests for appropriations, the power to make policy recommendations pursuant to Article IV, and the adoption of the annual report pursuant to this article.
- C. The commission shall have a seal.
- D. The commission shall elect annually, from among its members, a chairman, who must be a governor, a vice chairman, and a treasurer. The commission shall provide for the appointment of an executive director. The executive director shall serve at the pleasure of the commission and, together with the treasurer and other personnel deemed appropriate by the commission, shall be bonded in an amount determined by the commission. The executive director shall be secretary.
- E. Notwithstanding the civil service, personnel, or other merit system laws of a party state, the executive director, subject to the approval of the steering committee, shall appoint, remove, or discharge personnel as necessary for the performance of the functions of the commission, and shall fix the duties and compensation of the personnel. The commission in its bylaws shall provide for the personnel policies and programs of the commission.
- F. The commission may borrow, accept, or contract for the services of personnel from any party jurisdiction, the United States, or any subdivision or agency of the aforementioned governments, or from any agency of two or more of the party jurisdictions or their subdivisions.
- G. The commission may accept for any of its purposes and functions under this compact any and all donations, and grants of money, equipment, supplies, materials, and services, conditional or otherwise, from any state, the United States, or any other governmental agency, or from any person, firm, association, foundation, or corporation, and may receive, utilize, and dispose of the same. Any donation or grant accepted by the commission or services borrowed pursuant to this article must be reported in the annual report of the commission. The report must include the nature, amount, and conditions, if any, of the donation, grant, or services borrowed, and the identity of the donor or lender.
- H. The commission may establish and maintain facilities for transacting its business. The commission may acquire, hold, and convey real and personal property and any interest therein.

- I. The commission shall adopt bylaws for the conduct of its business and shall have the power to amend and rescind the bylaws. The commission shall publish its bylaws in convenient form and shall file a copy of the bylaws and any amendment to the bylaws, with the appropriate agency or officer in each of the party states.
- J. The commission annually shall make to the governor and legislative assembly of each party state a report covering the activities of the commission for the preceding year. The commission may make additional reports, as it deems desirable.

#### Article IV - Powers

In addition to authority conferred on the commission by other provisions of the compact, the commission has the authority to:

- A. Collect, correlate, analyze, and interpret information and data concerning educational needs and resources.
- B. Encourage and foster research in all aspects of education, but with special reference to the desirable scope of instruction, organization, administration, and instructional methods and standards employed or suitable for employment in public education systems.
- C. Develop proposals for adequate financing of education as a whole and at each of its many levels.
- D. Conduct or participate in research if the commission finds that such research is necessary for the advancement of the purposes and policies of this compact, utilizing fully the resources of national associations, regional compact organizations for higher education, and other agencies and institutions, both public and private.
- E. Formulate suggested policies and plans for the improvement of public education as a whole, or for any segment of public education, and make the recommendations available to appropriate governmental units, agencies, and public officials.
- F. Do any other thing necessary or incidental to the administration of its authority or functions pursuant to this compact.

#### Article V - Cooperation With Federal Government

- A. If the laws of the United States specifically so provide, or if administrative provision is made within the federal government, the United States may be represented on the commission by not more than ten representatives. Representatives of the United States must be appointed and serve in the manner provided by or pursuant to federal law, and may be drawn from any branch of the federal government. No representative may have a vote on the commission.
- B. The commission may provide information and make recommendations to any executive or legislative agency or officer of the federal government concerning the common education policies of the states, and may advise the agency or officer concerning any matter of mutual interest.

#### Article VI - Committees

- A. To assist in the expeditious conduct of its business when the full commission is not meeting, the commission shall elect a steering committee of thirty-two members which, subject to the provisions of this compact and consistent with the policies of the commission, shall be constituted and function as provided in the bylaws of the commission. One-fourth of the voting membership of the steering committee must consist of governors, one-fourth must consist of legislators, and the remainder must consist of other members of the commission. A federal representative on the commission may serve with the steering committee, but without vote. The voting members of the steering committee shall serve for terms of two years, except that

members elected to the first steering committee of the commission shall be elected as follows: sixteen for one year and sixteen for two years. The chairman, vice chairman, and treasurer of the commission must be members of the steering committee and, anything in this paragraph to the contrary notwithstanding, shall serve during their continuance in these offices. Vacancies in the steering committee do not affect its authority to act, but the commission at the next regular meeting following the occurrence of any vacancy shall fill it for the unexpired term. No person may serve more than two terms as a member of the steering committee; provided, that service for a partial term of one year or less does not count toward the two-term limitation.

- B. The commission may establish advisory and technical committees composed of state, local, and federal functions. Any advisory or technical committee may, on request of the states concerned, be established to consider any matter of special concern to two or more of the party states.
- C. The commission may establish such additional committees as its bylaws may provide.

#### Article VII - Finance

- A. The commission shall advise the governor or designated officer of each party state regarding its budget and estimated expenditures for the period required by the laws of that party state. Each of the commission's budgets of estimated expenditures must contain specific recommendations regarding the amount to be appropriated by each party state.
- B. The total amount of appropriation requests under any budget must be apportioned among the party states. In making the apportionment, the commission shall devise and employ a formula that takes equitable account of the populations and per capita income levels of the party states.
- C. The commission may not pledge the credit of any party state. The commission may meet its obligations in whole or in part with funds available to it pursuant to paragraph G of Article III of this compact; provided, that the commission takes specific action setting aside such funds prior to incurring an obligation to be met in whole or in part in this manner. Except when the commission makes use of funds available to it pursuant to paragraph G of Article III, the commission may not incur any obligation prior to the allotment of funds by the party states adequate to meet the obligation.
- D. The commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the commission must be subject to the audit and accounting procedures established by its bylaws. However, all receipts and disbursements of funds handled by the commission must be audited annually by a qualified public accountant, and the report of the audit must be included in and become part of the annual report of the commission.
- E. The accounts of the commission must be open at any reasonable time for inspection by duly constituted officers of the party states and by any person authorized by the commission.
- F. Nothing contained herein may be construed to prevent commission compliance with laws relating to the audit or inspection of accounts by or on behalf of any government contributing to the support of the commission.

#### Article VIII - Eligible Parties; Entry Into and Withdrawal

- A. This compact has as eligible parties all states, territories, and possessions of the United States, the District of Columbia, and the Commonwealth of Puerto Rico.

With respect to any jurisdiction not having a governor, the term "governor", as used in this compact, shall mean the closest equivalent official and the jurisdiction.

- B. A state or eligible jurisdiction may enter into this compact and it becomes binding on the state or jurisdiction when adopted; provided, that in order to enter into initial effect, adoption by at least ten eligible party jurisdictions is required.
- C. Adoption of the compact may be either by enactment of the compact or by adherence to the compact by the governor; provided, that in the absence of enactment, adherence by the governor is sufficient to make a state a party only until December 31, 1967. Any party state may withdraw from this compact by enacting a statute repealing the compact. A withdrawal may not take effect until one year after the governor of the withdrawing state has given notice in writing of the withdrawal to the governors of all other party states. No withdrawal shall affect any liability already incurred by or chargeable to a party state prior to the time of withdrawal.

Article IX - Construction and Severability

This compact must be liberally construed to effectuate its purposes. The provisions of this compact are severable and if any phrase, clause, sentence, or provision of this compact is declared to be contrary to the constitution of any state or of the United States, or the application of the compact to any government, agency, person, or circumstance is held invalid, the validity of the remainder of this compact and the applicability of the compact to any government, agency, person, or circumstance is not affected. If this compact is held contrary to the constitution of any participating state, the compact must remain in full force and effect as to the state affected and as to all several matters.

**15.1-04-02. Education commission of the states - Bylaws.** Pursuant to paragraph I of article III of the compact for education, the education commission of the states shall file a copy of its bylaws and any amendment to its bylaws with the secretary of state.